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**AUG 09 2004**

**Date:** August 9, 2004

**To:** Gene Mancine

**Company:** United States Patent and Trademark Office

**Fax No.:** 1-703-872-9306

**From:** Ronald W. Hind

**No. of pages, Including cover:** 14

**Re:** Our File DEMA 8152US U.S. Application No. 09/981,574  
DISPENSING APPARATUS WITH REMOTE CONTROL

**Comments:** Please see attached.

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IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CONTACT THE SENDER AT (314) 238-2400

EV334122032US

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on 4 September 2003 in an envelope addressed as "Express Mail Post Office to Addressee" Mailing Label No. EV334122032US in an envelope addressed to Mail Stop Petition-Fee, Commissioner for Patents, Washington, DC 20231.

Ronald W. Hind  
Ronald W. Hind (24,643)

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PATENT AUG 09 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT: Fredrick B. Jedlicka et al. GROUP ART UNIT: 3754  
SERIAL NO.: 09/981,574 EXAMINER: Joseph A. Kaufman  
FILED: 17 October 2001 DOCKET NO.: DEMA 8152US  
FOR: DISPENSING APPARATUS WITH REMOTE CONTROL

St. Louis, Missouri  
September 4, 2003

Mail Stop Petition - Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in reply to the Office communication dated August 4, 2003.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR §1.137(a)

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee; and
- (2) Adequate showing of the cause of unavoidable delay resulting in abandonment

## 1. Petition Fee

- ☒ small business entity -- fee \$55.00. Applicant claims small entity status.  
☐ other than small entity -- fee \$110.00

2. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment under 37 CFR §1.16 and §1.17 which may be required to Deposit Account No. 16-2201. *Duplicates of this sheet are enclosed.*

**ADEQUATE SHOWING OF THE CAUSE OF UNAVOIDABLE ABANDONMENT**

On July 31, 2003, the undersigned attorney of record, Ronald W. Hind, received a telephone call from Examiner Joseph A. Kaufman to inquire whether the issue fee and publication fee, if applicable, had been paid for this application.

Examiner Kaufman was advised that no Allowability had been received by the attorney of record on this application and that, accordingly, no fee was paid.

On investigation, it appears that the USPTO had mistakenly sent back the change of address form filed with the Declaration with the effect that no actions were sent to the attorney of record. Applicant, however, did receive the postcard receipt accompanying the Change of Address form, see copy enclosed. This is consistent with the Summary of Interview Record by Examiner Kaufman dated 8/4/2003.

In addition, postcards accompanying two status requests made by the attorney of record were returned to the attorney of record which caused him to believe that communications were being received by the USPTO. See postcard copies dated 18 October 2002 and 3 March 2003 enclosed.

Examiner Kaufman advised that the Application Ser. No. 09/981,574 must be abandoned because of non-payment of the issue fee, but will be revived based on the fact that the attorney of record never received the Office actions.

The examiner suggested that the revival and reopening of prosecution of this case be made by applicant in order that an IDS submitted by the applicant after the Notice of Allowability be considered as it appears that the references are pertinent.

Under these circumstances, the application was unavoidably abandoned and revival of the application is respectfully requested.

Respectfully submitted,

Ronald W. Hind.

Ronald W. Hind (24,643)  
Polster, Lieder, Woodruff & Lucchesi, L.C.  
763 S. New Ballas Road  
St. Louis, MO 63141-8750  
Tel (314) 872-8118  
Fax (314) 991-2178

27 November 2001

Our File: DEMA 8152US (A-3120)

Applicant: Fredrick B. Jedlicka et al.

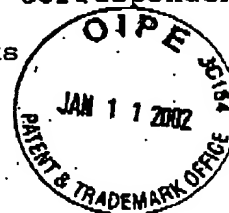
Ser. No. 09/981,574

Filed: 17 October 2001

For: DISPENSING APPARATUS WITH REMOTE CONTROL

Paper: Response to Notice to File Missing Parts of  
Application, Copy of Notice of Missing Parts,  
Declaration and Power of Attorney, Assignment  
with Cover Sheet, Change of Correspondence  
Address

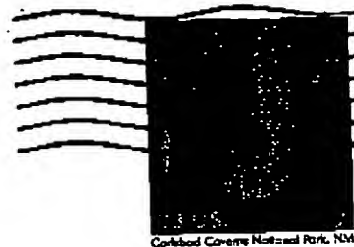
\$65.00 and \$40.00, attorney's checks



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Polster, Lieder, Woodruff & Lucchesi, L.C.  
763 South New Ballas Road  
St. Louis, Missouri 63141-8750



18 October 2002

Our File: DEMA 8152US (A-3120)

Applicant: Fredrick B. Jedlicka et al.

Ser. No. 09/981,574

Filed: 17 October 2001

For: DISPENSING APPARATUS WITH REMOTE CONTROL

Paper: Status Inquiry, stamped return-address envelope  
no fee



**PULSTER, LIEDER,  
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**Polster, Lieder, Woodruff and Lucchesi L.C.**  
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St. Louis, MO 63141-8750



13 March 2003

Our File: DEMA 8152US (A-3120)  
Applicant: Fredrick B. Jedlicka et.al.  
Ser. No. 09/981,574  
Filed: 17 October 2001

Filed: 17 October 2001  
For: DISPENSING APPARATUS WITH REMOTE CONTROL  
Paper: Status Inquiry - Second Request, stamped return-address  
envelope  
no fee



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**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,574	10/17/2001	Fredrick B. Jodlicka	DEMA 8152US	7023

7590

08/04/2003

Polster, Lieder, Woodruff & Lucchesi, L.C.  
 formerly Cohn, Powell & Hind, P.C.  
 763 South New Ballas Road, Suite 160  
 St. Louis, MI 63141-8750

**POLSTER, LIEDER,  
 WOODRUFF & LUCCHESI**

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EXAMINER

KAUFMAN, JOSEPH A

ART UNIT

PAPER NUMBER

3754

DATE MAILED: 08/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.




<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	09/981,574	JEDLICKA ET AL.	
	Examiner	Art Unit	
	Joseph A. Kaufman	3754	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
 Joseph A. Kaufman  
 Primary Examiner  
 Art Unit 3754

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	09/981,574	JEDLICKA ET AL	
	Examiner	Art Unit	
	Joseph A. Kaufman	3754	

All participants (applicant, applicant's representative, PTO personnel):

(1) Joseph A. Kaufman.

(3) \_\_\_\_\_

(2) Ronald Hind.

(4) \_\_\_\_\_

Date of Interview: 31 July 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: n/a.

Identification of prior art discussed: \_\_\_\_\_

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right-hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation Sheet (PTO-413)

Application No. 09/981,574

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner called applicant's representative to find out if the issue fee had been paid in the case. Mr. Hind indicated that the notice of allowability had never reached him. Upon further inquiry, it appears that the USPTO mistakenly sent back the change of address form filed with the declaration. The case must be abandoned as the issue fee has not been paid, but will be revived based on the fact that applicant's representative never received the office actions. The examiner suggested that the applicant revive and reopen prosecution of the case in order that the IDS submitted by applicant after the Notice of Allowability be considered as it appears that the references cited by applicant at least read on claim 1.

4 September 2003

Our File: DEMA 8152US (A-3120)  
Applicant: Frederick B. Jedlicka et al.  
Ser. No. 09/981,574

Filed: 17 October 2001

For: DISPENSING APPARATUS WITH REMOTE CONTROL

Paper: Petition for Revival of an Application Abandoned

Unavoidably Under 37 CFR §1.137(a), copies of postcards dated  
27 November 2001, 18 October 2002 and 3 March 2003

\$55.00, attorney's check

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ST. LOUIS, MO 63141-8750  
314.872.8118

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Commissioner of Patents and Trademarks  
Washington, DC 20231-

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⑈045420⑈ ⑆081009813⑆ ⑈9871394964⑈

✓  
4 September 2003

Our File: DEMA 8152US (A-3120)  
Applicant: Frederick B. Jedlicka et al.  
Ser. No. 09/981,574  
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